



Anthony C. Valenziano
Partner

T. 973.302.9696 F. 973.302.9947
avalenziano@shermanatlas.com

September 19, 2024

VIA ECF

Hon. Vernon S. Broderick, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

APPLICATION GRANTED
SO ORDERED *Vern Bro* 9/20/2024
VERNON S. BRODERICK
U.S.D.J.

**Re: *Bernstein v. JPMorgan Chase Bank, N.A.*,
Civil Action No. 1:24-cv-6808**

Dear Judge Broderick:

We represent defendant JPMorgan Chase Bank, N.A. ("Chase") in the above-referenced matter. Pursuant to Your Honor's Individual Rules and Preferences, we write, with the consent of counsel for plaintiff Debbie Bernstein ("Plaintiff"), to respectfully request that the Court "so order" a schedule whereby Plaintiff would file a Complaint in this matter within 90 days of the September 9, 2024 removal pursuant to Federal Rule of Civil Procedure 4(m).

Plaintiff initially commenced this action by filing a Summons With Notice in New York Supreme Court on August 9, 2024 against Chase identifying, among others, a claim against Chase arising under the Electronic Funds Transfer Act. Chase subsequently filed a Notice of Removal on September 9, 2024 prior to having been served with the Summons With Notice.

Because Federal Rule of Civil Procedure 4 does not address the time in which a plaintiff must file a Complaint when an action is removed prior to any service of process, the parties have agreed that the 90-day period under Federal Rule of Civil Procedure 4(m) should control, and that Plaintiff would have until 90 days after the September 9, 2024 removal to file the Complaint. Chase has also agreed that my firm would be authorized to accept service on behalf of Chase. Accordingly, with the consent of Plaintiff, Chase respectfully requests that Plaintiff have until December 9, 2024 to file the Complaint and that Chase have 35 days after the filing of the Complaint to file its response. Thank you.

Respectfully Submitted,

/s/ Anthony C. Valenziano
Anthony C. Valenziano

cc: Michael Katz, Esq. (via email)
4892-2239-1270, v. 1